IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8479 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARLADEVI VASANTLAL MALAVIYA

Versus

COMPETENT AUTHORITY AND DEPUTY COLLECTOR

Appearance:

MR HARIN P RAVAL for Petitioners

MR LR POOJARI, AGP. for Respondent No. 1

RULE SERVED for Respondent No. 2

MR MEHUL S SHAH for Respondent No. 3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 20/04/2000

ORAL JUDGEMENT

This petition under Article 227 of the Constitution is directed against the order dated 26.07.1989 passed by the Urban Land Tribunal,Rajkot in

Appeal Nos. 118 of 1986, 119 of 1986 and 79 of 1987 dismissing the said appeals confirming the order of the Competent Authority, Rajkot dated 27.03.1987 passed under section 8(3) of the Urban Land (Ceiling & Regulation) Act, 1976. It appears from the order of the Tribunal that the Tribunal had granted stay of the further proceedings during the pendency of the appeal. During the pendency of the present petition, the order of status quo with regard to the land in question was passed on 29.01.1993. The learned Assistant Government Pleader Mr.L.R.Poojari has produced a copy of the letter addressed by the Competent Authority to Section Officer, Revenue Department dated 17.04.2000 intimating that possession of the land could not be taken since the present petition was pending. Since possession has not been taken, proviso to section 4 of the Urban Land (Ceiling & Regulation) Repeal Act,1999, would not be applicable and the proceedings relating to the order made by the Competent Authority abate. The petition therefore does not survive and is accordingly disposed of. Rule discharged. No order as to costs.

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m.m.bhatt